

any ref to preamble

wherein the heavier material from a mixture of initial material exits said housing through said outlet channel.

17. (New) The centrifuge of claim 16, further comprising:
means for continuously removing said heavier materials from said housing during operation of said centrifuge.

REMARKS

This Amendment is in response to the final Office Action dated March 27, 2002. An Advisory Action was sent in response to Applicants Amendment and Response, submitted on May 28, 2002. The Advisory Action indicated that the May 28th Amendment raised new issues that required further consideration. Applicants are filing the following response to the final Office Action in conjunction with a request for continued examination. With the addition of claims 16 and 17 and the cancellation of claim 3, claims 4-6 and 13-17 remain in the application.

Allowable Subject Matter

The Examiner has indicated that claim 15 contains allowable subject matter and would be allowed if rewritten in independent form including all the limitation of the base claim and any intervening claims. The applicant thanks the Examiner for such indication. Claim 15 is amended above to include all of the limitations of the base claim, claim 3 and believed to be in condition for allowance.

Improper Amendment

The Examiner indicated claim 3 was improperly amended. Claim 3 has been cancelled in favor of new claim 16 thereby obviating this rejection.

35 U.S.C. § 112, Second Paragraph Rejections

The Examiner rejected claims 3-6 and 13-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner stated that the phrases "said concentric tube walls" in claim 3, line 8, "innermost" in claim 13, line 2, and "said heavier materials" in claim 14, line 2 lack antecedent basis. By the amendments made to the claims above, these rejections are believed to be overcome (The Examiner agreed with this assessment in the Advisory Action dated June 4, 2002).

35 U.S.C. § 102(b) Rejections

The Examiner rejected claims 3-5 and 13-14 under 35 U.S.C. § 102(b) as being anticipated by Nerad. Claim 3 has been cancelled thereby obviating these rejections.

35 U.S.C. § 103(a) Rejection

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Nerad in view of Coleman. Because claim 6 depends from claim 16 and claim 16 is believed to be allowable, claim 6 is also believed to be allowable.

New Claims

Dependent claims 16-17 have been added. Claim 16 is a revised version of cancelled claim 3 including further limitations to cancelled claim 3. Claim 17 depends from claim 16 and is the same as originally submitted claim 15. Support for these claims is found throughout the specification and drawings. Claims 16-17 are believed to be allowable in view of the cited art.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

It is believed that no new matter has been added by this Amendment. A notice of allowance for the remaining claims is earnestly solicited.

It is believed that the proper fee associated with this Amendment and request for continued examination have been submitted herewith. Any fee deficiency may be charged to Deposit Account 04-1415. Any questions regarding this Amendment can be directed to the undersigned attorney.

Dated this 27th day of August, 2002.

Respectfully submitted,



Paul J. Prendergast, Reg. No. 46,068
DORSEY & WHITNEY LLP
USPTO Customer No. 20686

VERSION WITH MARKINGS TO SHOW CHANGES

In the Claims:

Claims claim 3 has been cancelled, claims 4-6 and 13-15 have been amended, and new claims 16-17 have been added as follows:

4. (Amended) The centrifuge of claim [3] 16, further comprising:

a top collar and a bottom collar; and

a frame supporting said housing for rotation of said arm within said frame, said frame coupled to said housing at said top collar and at said bottom collar.

13. (Amended) The centrifuge of claim [3] 16 further comprising:

a[n] concentrically innermost tube;

wherein said heavier material exits said [housing] hollow arm through said innermost tube.

14. (Amended) The centrifuge of claim [3] 16, wherein:

said heavier material[s are] is continuously removed from said housing during operation of said centrifuge.

15. (Amended) A centrifuge for decanting lighter material from heavier material from a mixture of initial material, the centrifuge comprising:

a housing including a central body, said central body defining an axis;

a hollow arm extending from said central body, said arm including a first end attached to said central body, and a second end extending away from said central body, said hollow arm defining a chamber; and

a baffle attached to said central body and extending into said chamber, said baffle defining a flow path between one or more tube walls within said chamber;

said flow path including a first exit path for guiding said lighter material out of said housing and a second exit path for guiding said heavier material out of said housing[.]; and
[The centrifuge of claim 3, further comprising:]

means for continuously removing said heavier materials from said housing during operation of said centrifuge.

16. (New) A centrifuge for decanting lighter material from heavier material from a mixture of initial material, the centrifuge comprising:

a housing including a central body, said central body defining an axis;

a hollow arm extending from said central body, said arm including a first end attached to said central body, and a second end extending away from said central body, said hollow arm defining a chamber; and

a baffle attached to said central body and extending into said chamber, said baffle defining a flow path within said chamber;

said flow path including a first exit path for guiding said lighter material out of said housing and a second exit path for guiding said heavier material out of said housing; and

an outlet channel in communication with said first and second exit paths;

wherein the heavier material from a mixture of initial material exits said housing through said outlet channel.

17. (New) The centrifuge of claim 16, further comprising:

means for continuously removing said heavier materials from said housing during operation of said centrifuge.